IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 32090 of 2006(T)

PETITIONER:

GAYATHRI V.K., W/O.AJI V.K.,
VELIKUNNEL HOUSE, MULARINGAD P.O.,
THODUPUZHA TALUK, IDUKKI.
(NOW WORKING AS JUNIOR PUBLIC HEALTH NURSE,
PRIMARY HEALTH CENTRE, CHITRAPUZHA, MUNNAR.)

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF HEALTH,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER, IDUKKI.

4. INDUKUMARY, JR.P.H.NURSE,
P.H. CENTRE, MUTTOM, IDUKKI.

5. C.H. INDIRA, JR.P.H.NURSE, P
P.H.CENTRE, ADIMALI, IDUKKI.

6. VIMALA JACOB, JR.P.H.NURSE,
P.H.CENTRE, MAMBRA, THRISSUR.

7. P.S. ANITHA, JR.P.H. NURSE,
P.H.CENTRE, MELOOR, THRISSUR.

8. JAGADAMMA THANKAPPAN,
JR.P.H. NURSE, P.H.CENTRE,
KUMARANPUTHUR, PALAKKAD.

9. K. MARYKUTTY, JR.P.H.NURSE,
P.H. CENTRE,VANNAMADA, PALAKKAD.

10. K.C. GEETHA, JR.P.H.NURSE,
P.H. CENTRE, PUDUOARIYARAM, PALAKKAD.

11. T.C.ANANDAVALLY, JR.P.H.NURSE,
P.H.CENTRE, THUVAYUR, KOZHIKODE.

12. R. BEENA, JR.P.H.NURSE,
P.H. CENTRE, THIRUVAMPADI, KOZHIKODE.

13. LEELAMMA MATHEW,
JR.P.H.NURSE, P.H.CENTRE,
VENGAPPALLY, WAYANAD.

14. K.P. USHAKUMARY, JR.P.H.NURSE,
P.H.CENTRE, MEERAJA, KASARGODE.

BY GOVT.PLEADER SRI.BIJOY CHANDRNA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 32090 of 2006

Dated this the 18th day of December, 2006

JUDGMENT

The petitioner is working as Junior Public Health Nurse in the PH.Centre at Chitrapuzha in Idukki District. She is interested in getting transfer to Ernakulam District. According to her, she is entitled for preference in the matter of transfers as she has contracted an intercaste marriage. It is pointed out that there are Government orders which confer such favourable considerations. Whatever that be, it is trite that this Court will not exercise the jurisdiction to enforce such Government orders which are in the form of guidelines for the subordinate officers to take note of. The petitioner has no case that any of the statutory provisions have been violated. The petitioner has also no case that the respondents have exercised their discretion malafide so that this Court can exercise the power of judicial review.

2. I notice that the petitioner had, in fact, approached this Court by filing two more writ petitions evidenced by Exts.P3 and P8. When Ext.P3 judgment was rendered disposing W.P.(C)No.26422/2003 filed by the petitioner, she was working in Pathanamthitta District. Subsequently she filed W.P.(C)17358/2006. At that time, she was

working in Idukki District. Ext.P8 judgment was passed directing the second respondent to take up for consideration the grievance petition filed before him and to pass orders within a time limit. The petitioner has not produced any order passed by the respondents pursuant to Ext.P8. It is not understood whether the respondents have complied with the directions in Ext.P8. If the petitioner feels aggrieved by the non compliance of the directions in Ext.P8, the remedy is not to file one more writ petition. Any way, the petitioner has not resorted to any such remedy available in law. On the other hand, she felt that she can file one more writ petition which is the third one seeking transfer.

3. Learned counsel for the petitioner submits that the petitioner is justified in filing any number of writ petitions, since she has not been granted the benefit of the Government orders relevant on the subject which she has come across only subsequently. According to the counsel when new materials and grounds come to the notice of the petitioner, she can file fresh writ petitions notwithstanding Ext.P8 judgment seeking the same reliefs.

3. I cannot agree. I feel that this writ petition is the sheer abuse of the process of this Court. The petitioner ought to have taken

appropriate contentions and grounds in the earlier writ petitions filed by her. The argument that a fresh writ petition is maintainable for the reason that the petitioner has come across new contentions and new materials, is not sustainable in law. This writ petition is liable to be dismissed. I do so.

K.K.DENESAN, JUDGE

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